

IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS
STATE OF MISSOURI

ORLANDO CAUSEY,)
Plaintiffs,) Case No.:
vs.)
DONALD DRIVER)
Serve:
HOLD FOR SERVICE)
112 Bethesda Dr.)
Belleville, IL 62223)
AND)
DEMARCUS R. MITCHELL)
DBA DM HAULING)
Serve
HOLD FOR SERVICE)
223 Arbor Meadows Ct)
Fairview Heights, IL 62208)
Defendants.) **JURY TRIAL DEMANDED**

PETITION

COMES NOW Plaintiff ORLANDO CAUSEY, by and through undersigned counsel and for his cause of action against DONALD DRIVER and DEMARCUS R. MITCHELL DBA DM HAULING states as follows:

PARTIES

1. Plaintiff ORLANDO CAUSEY is a resident of St. Louis City and citizen of the State of Missouri.

2. Defendant DONALD DRIVER (hereinafter "Driver") is a resident of the State of Illinois.



3. Defendant DM Hauling (hereinafter "DM") is a duly organized Illinois business, in good standing, maintaining an address in the State of Illinois for the purposes of service of process.

JURISDICTION AND VENUE

4. Venue is proper in the City of St. Louis pursuant to RSMo. 508.010.4 as the facts giving rise to Plaintiff's cause of action accrued in the City of St. Louis.

FACTUAL ALLEGATIONS

5. The acts and omissions of Driver were accomplished through the actions and omissions of Defendant's agents, servants, and/or employees, all acting within the course of their relationship with Defendant DM.

6. The acts and omissions of DM were accomplished through the actions and omissions of Defendant's agents, servants and/or employees, all acting within the course and scope of their relationship with Defendant Driver.

7. On or about February 23, 2018, Plaintiff was sitting in traffic on Interstate 55 going Northbound when the vehicle he was occupying was rear-ended by a semi-truck driven by Defendant Driver. The impact from Defendant Driver's semi-truck forced Plaintiff's vehicle into the vehicle immediately in front of Plaintiff's vehicle causing severe front and rear damage to Plaintiff's vehicle.

COUNT I – NEGLIGENCE OF DEFENDANT DRIVER

8. Plaintiff alleges and incorporates herein each and every allegation contained in paragraphs 1 through 7 above.

9. Defendant Driver was negligent and careless in one or more of the following ways:

- a. He failed to obey a traffic sign.
- b. He failed to manage and control his motor vehicle.
- c. He failed to drive in a prudent manner for the conditions.
- d. He failed to apply his brakes to avoid a collision.
- e. He failed to keep a proper lookout for other vehicles.
- f. He failed to yield the right-of-way to Plaintiff.
- g. He failed to drive in the proper lane of traffic, and
- h. He did carelessly and negligently contribute to Plaintiff's damages, inflicting injuries, which are the direct and proximate result of the negligence of Defendant Driver.

10. By reason of Defendant Driver's negligence, Plaintiff has suffered damages including physical injury to his neck, back, knees, chest, shoulders and generally his body as a whole. And personal property damage.

11. By reason of Defendant Driver's negligence Plaintiff has suffered pain, shock, and mental anguish.

12. By reason of Defendant Driver's negligence, Plaintiff will continue to suffer pain, anguish. Plaintiff has further suffered permanent scarring and has been deprived of the ability to pursue an ordinary life.

13. As a direct and proximate result of Defendant Driver's carelessness and negligence, Plaintiff sustained to wit: Plaintiff has suffered head, neck, back, pelvis, and injuries to his body as whole; Plaintiff has suffered pain and will

continue to suffer pain in the future; he has suffered in the ability to enjoy the ordinary pursuits of life.

**COUNT II- NEGLIGENCE AND RESPONDEAT SUPERIOR
AGAINST DEFENDANT DM**

14. Plaintiff alleges and incorporates herein each and every allegation contained in paragraphs 1 through 13 above.
15. At the time of Plaintiff's injuries, the agent of DM, Defendant Driver, was acting within the scope of employment with DM.
16. DM is responsible for the actions caused by its employee while acting within the scope of its employment with DM.
17. DM and its employee breached its duty in the following ways:
 - (a) DM failed to implement and/or enforce, and its employee failed to follow proper safety procedure when operating a motor vehicle;
 - (b) DM failed to train its employees or require training of its employees in proper roadway safety when operating a motor vehicle;
18. As a direct and proximate result of DM's carelessness and negligence, Plaintiff sustained damage, to wit: he sustained injuries to his neck, back, shoulders and body as a whole; he has suffered pain and will continue to suffer pain in the future; he has suffered in the ability to enjoy the ordinary pursuits of life.

WHEREFORE, Plaintiff Orlando Causey prays for (1) judgment against Defendants DONALD DRIVER and DEMARCUS R. MITCHELL DBA DM HAULING in an amount consistent with the jurisdictional minimum and (2) any further relief this Court deems just and proper under the premises.

Attorney Lorenzo Hester

/s/ Lorenzo Hester

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